

UNITED STATES DISTRICT COURT

for the

District of South Carolina

United States of America
v.
Luis Magdiel BECERRA-MORALES
a.k.a. Luis MAGDIEL

Case No.

2:18mj 177

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 19, 2018 in the county of Berkeley in the
District of South Carolina, the defendant(s) violated:

Code Section

Title 8, United States Code,
Sections 1326(a) and (b)(1).

Offense Description

Did knowingly and unlawfully enter and was found in the United States of America, not having obtained the express consent of the Attorney General or Secretary of Homeland Security to reapply for admission thereto; said defendant then being an alien and having been deported from the United States to Mexico on February 13, 2018, subsequent to a conviction for the commission of a felony;

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT

☒ Continued on the attached sheet.

Maria E Somers
Complainant's signature

Maria E. Somers, Deportation Officer
Printed name and title

Sworn to before me and signed in my presence.

Date:

10/24/18

Mary Gordon Baker
Judge's signature

City and state: Charleston, South Carolina

Mary Gordon Baker, United States Magistrate Judge
Printed name and title

STATE OF SOUTH CAROLINA }
 }
COUNTY OF BERKELEY }

AFFIDAVIT

PERSONALLY APPEARED before me Deportation Officer Maria E. Somers, Charleston, SC Violent Criminal Alien Section, who, being first duly sworn deposes and states as follows:

1. I, Maria E. Somers, have been employed as a Deportation Officer for the Department of Homeland Security, Immigration and Customs Enforcement (ICE) since July 2007. I have been employed with ICE (formerly known as the Immigration and Naturalization Service) since September 2002. During that time, I have conducted and participated in numerous administrative and criminal investigations involving violations of the United States Immigration and Nationality Act. I have functioned in a variety of capacities, to include being assigned to the Enforcement and Removal Operations (ICE-ERO), Violent Criminal Alien Section, which identifies and investigates illegal aliens with criminal histories that are subject to prosecution, including violations of Title 8, United States Code (U.S.C.), Section 1326, Illegal Reentry of a Removed Alien;
2. That the information contained in this affidavit is based on my personal participation in this investigation and from information provided to me by other law enforcement officers. As this affidavit is being submitted for the limited purpose of establishing probable cause to support the arrest of Luis Magdiel BECERRA-MORALES, a.k.a. Luis MAGDIEL, (the "Subject") for violation of federal law, including, but not limited to 8 U.S.C. §§ 1326(a) and (b)(1), I have not included each and every fact known to me concerning this investigation and have set forth only those facts that I believe are necessary for said purpose;
3. In my capacity as a Deportation Officer, I have reviewed the records of the U.S. Department of Homeland Security relating to the Subject's Immigration file number A202 073 681. I have also consulted with ICE-ERO CAP Charleston, SC Officers, who conducted additional investigatory actions related to this case;
4. On October 19, 2018, the Subject was encountered by Charleston, SC ICE-ERO Criminal Alien Program (CAP) officers while in custody at the Berkeley County Detention Center after being arrested by the Berkeley County Sheriff's Office for Driving under the Influence and Driving without a License. ICE-ERO CAP officers identified the Subject as a previously deported alien in violation of the Immigration and Nationality Act. An immigration detainer was lodged with the Berkeley County Detention Center pending local charges;
5. On October 22, 2018, the Subject was turned over to ICE-ERO custody pursuant to the immigration detainer. The Subject was booked into Charleston County Detention Center in ICE-ERO custody where he is pending removal to Mexico;
6. On October 22, 2018, the Subject's fingerprints were entered into the Integrated Automated Fingerprint Identification System (IAFIS), which is directly connected with the National Crime Information Center. The IAFIS system indicated that Subject had been assigned an FBI number and a State Identification (SID) number. The NCIC record for the FBI and SID numbers revealed that Subject is a previously removed alien. During the course of the investigation, immigration and other law enforcement indices and

review of the immigration file (A202 073 681) revealed the following:

- (a) That the Subject's true and correct name is Luis Magdiel BECERRA-MORALES, a.k.a. Luis MAGDIEL;
 - (b) That the Subject was born in 1993, in MEXICO;
 - (c) That the Subject is a native and citizen of MEXICO;
 - (d) That the Subject entered the United States at or near an unknown place, on an unknown date;
 - (e) That on September 30, 2014, the Subject, a native and citizen of Mexico, was encountered by Border Patrol Officers (BPO) in Kingsville, Texas and was ordered removed to Mexico via Expedited Removal Order. The Subject was removed to Mexico on October 01, 2014 via Brownsville, Texas;
 - (f) That on October 14, 2014, the Subject's prior order of removal was reinstated by BPO in McAllen, Texas. The Subject was removed to Mexico on October 14, 2014 via Hidalgo, Texas;
 - (g) That on May 9, 2016, the Subject's prior order of removal was reinstated by BPO in Sasabe, Arizona. The Subject was placed in criminal proceedings for Illegal Entry;
 - (h) That on May 11, 2016, the Subject was convicted in the U.S. District Court, District of Arizona, Tucson Division, for the offense of Illegal Entry in violation of 8 U.S.C. §1325(a) (1) and was sentenced to thirty (30) days confinement. The Subject was removed to Mexico on June 08, 2016 via Nogales, Arizona;
 - (i) That on September 25, 2017, the Subject's prior order of removal was reinstated by ICE-ERO in Charleston, South Carolina. The Subject was placed in criminal proceedings for Illegal Re-entry;
 - (j) That on December 19, 2017, the Subject was convicted in the U.S. District Court, District of South Carolina, Charleston Division for the offense of Illegal Re-entry in violation of 8 U.S.C. § 1326(a) and was sentenced to Time Served;
 - (k) That on February 13, 2018, the Subject was removed to Mexico via El Paso, Texas;
7. On October 22, 2018, the Subject was served with a Notice of Intent/Decision to Reinstate Prior Order in North Charleston, South Carolina, which he did not contest.
 8. On October 22, 2018, ICE-ERO conducted automated record checks of immigration indices and was unable to locate any record that the Subject was granted permission by the Attorney General or the Secretary of the Department of Homeland Security to reapply for admission to the United States after removal. Record checks confirmed that there are no pending applications on the Subject's behalf;
 9. Based on the foregoing, this affiant submits there is probable cause to believe that Luis Magdiel BECERRA-MORALES, a.k.a. Luis MAGDIEL, is in violation of Title 8, United States Code, Sections 1326(a) and (b)(1), in that, on or about October 19, 2018, in the District of South Carolina, County of Berkeley, he did knowingly and unlawfully enter and was found in the United States of America, not having obtained the express consent of the Attorney General or Secretary of Homeland Security to reapply for

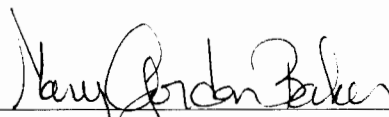
admission thereto; said Subject then being an alien and having been removed from the United States to Mexico on February 13, 2018, subsequent to a conviction for the commission of a felony.

This Affidavit has been reviewed by AUSA Dean H. Secor.



Maria E. Somers, Deportation Officer
Immigration and Customs Enforcement

Subscribed and sworn to before me on this 24th day of October, 2018.



MARY GORDON BAKER
UNITED STATES MAGISTRATE JUDGE